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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,519	03/12/2001	Shinya Haraguchi	7217/64041	1959
7590	01/15/2004			EXAMINER
JAY H. MAIOLI Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036				EDWARDS, ANTHONY Q
			ART UNIT	PAPER NUMBER
				2835

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/804,519	HARAGUCHI ET AL.
	Examiner	Art Unit
	Anthony Q. Edwards	2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 March 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 and 12 is/are rejected.

7) Claim(s) 11 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 March 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Objections

Claims 4, 6 and 7 are objected to because of the following informalities: referring to claims 4 and 6, the “inverse surface” lacks proper antecedent basis, and it’s unclear whether this surface is the same as the “opposite surface” of the upper half portion of the terminal recited in claim 1, line 16 or to another surface. Claim 7 depends from claim 6 and is objected to for the same reasons. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 8 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,594,619 to Miyagawa et al. Referring to claim 1, Miyagawa et al. disclose a portable information terminal (see Fig. 34) including an upper half portion (95) having a display screen (105) of a display device at one surface side thereof, a lower half portion (93) including an input key array of plural input keys arranged on one surface thereof and controller (139) provided in said lower half portion that analyzes an operating instruction input through said input keys and carries out the control processing corresponding to an analysis result to reflect the analysis result to the display content of said display screen (see Fig. 31 and col. 14, lines 49-58).

Likewise, Miyagawa et al. disclose a joint unit (163, 165, 167) for joining the respective one end sides of said upper and lower half portions to each other so that said upper and lower half portions are rotatable around said joint unit and each of a screen-arranged surface of said upper half portion on which said display screen of said upper half portion is disposed and the opposite surface of said upper half portion to the screen-arranged surface can face a key-arranged surface side of said lower half portion on which said plural input keys are disposed (see Figs. 34-36).

Referring to claim 2, Miyagawa et al. disclose a portable information terminal as claimed. See col. 16, lines 40-64.

Referring to claim 3, Miyagawa et al. disclose a portable information terminal, comprising a detection unit or mechanism (not numbered) for detecting the current stage of the portable as claimed. See col. 15, lines 25-31.

Referring to claim 5, Miyagawa et al. disclose a portable information terminal as claimed, wherein said controller (139) controls the display content of said display screen in accordance with a detection result supplied from said detecting unit so that a display image on said display screen is rotated by 180 degrees. See Fig. 33 and col. 16, lines 1-5.

Referring to claim 8, Miyagawa et al. disclose a portable information terminal as claimed. See col. 15, lines 31-38.

Referring to claim 12, Miyagawa et al. disclose a portable information terminal, further comprising a key operating unit which as claimed in claim functionally varied between said first state and said second state. See the “specific key” recited in col. 15, lines 31-35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6 and 7, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagawa et al. Referring to claims 4 and 6, Miyagawa et al. disclose the invention as claimed (see Fig. 35), wherein the key-arranged surface is overlapped with the opposite surface or inverse surface of the upper half portion of the screen-arranged surface and wherein the surfaces are confronted to each other in the second state.

Miyagawa et al. does not specifically disclose the mechanism or detecting unit detecting this arrangement, per se, but does detect the rotation of the device and also compares the angle of rotation to a predetermined angle for controlling purposes (see col. 15, lines 31). It is notoriously well known in the art of portable information terminals to have detection units that not only detect movement, but also detect the state of the moving parts with respect to one another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to detect both the rotation of the upper half portion in relation the lower half portion, as well as to detect the state of the moving portions in relationship to each other since this information is required for inverting the display.

Referring to claim 7, Miyagawa et al. disclose the invention as claimed, including said controller (139) controlling the display content of said display screen in accordance with a

detection result supplied from said detecting unit so that a display image on said display screen is rotated by 180 degrees. See Fig. 33 and col. 16, lines 1-5.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagawa et al. in view of U.S. Patent No. 6,522,879 to Myer et al., and further in view of U.S. Patent No. 6,494,974 to Nobuchi et al. Referring to claim 9, Miyagawa et al. disclose the invention as claimed, except for (1) comprising a radio transmission/reception unit for transmitting/receiving a message in a wireless mode, and (2) wherein a message to be transmitted is written onto said display screen by using said plural input keys only when the screen-arranged surface of said upper half portion and the key-arranged surface of the lower half portion can be visually recognized by a user who writes the message.

Myer et al. disclose a radio transmission/reception unit for transmitting/receiving a message in a wireless mode, which includes a two-way telephone and two-way paging service on the same wireless infrastructure. See Fig. 4 and the corresponding specification. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable information terminal of Miyagawa et al. to provide wireless telephone and paging capability as taught by Myer et al., to have greater mobility of the portable device.

Likewise, Nobuchi et al. disclose a portable information processing apparatus having a control unit or switching mechanism (10) and sensor switch (30) which combine to effect the operability of keys, such that a message to be transmitted is written onto said display screen by using the input keys only when the screen-arranged surface of said upper half portion and the key-arranged surface of the lower half portion can be visually recognized by a user who writes the message. See Figs. 1, 2 and col. 8, lines 1-10. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to further modify the portable information terminal of Miyagawa et al. to only transmit a message on the display screen while the key-arranged portion and the display portion are visually recognized by the user by limiting the use of keys, as taught Nobuchi et al., since the locking device of Nobuchi et al. would prevent a user from inadvertently depressing keys in a certain mode.

Referring to claim 10, Miyagawa et al. disclose the invention as claimed, except for (1) further comprising a radio transmission/reception unit for transmitting/receiving a message in a radio mode, and (2) wherein under such a state that the screen-arranged surface of said upper half portion faces the opposite side to the key-arranged surface side of said lower half portion, said controller neglects a character input even when there is the character input based on the input key.

Myer et al. disclose a radio transmission/reception unit for transmitting/receiving a message in a radio mode, which includes a two-way telephone and two-way paging service on the same wireless infrastructure. See Fig. 4 and the corresponding specification. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable information terminal of Miyagawa et al. to provide paging capability as taught by Myer et al., to have greater flexibility and mobility of the portable device.

Likewise, Nobuchi et al. disclose a portable information processing apparatus having a control unit or switching mechanism (10) and sensor switch (30), which combine to effect the operability of keys, such that under the state in which the screen-arranged surface of said upper half portion faces the opposite side to the key-arranged surface side of said lower half portion (see Fig. 2 of Nobuchi), the controller neglects a character input even when there is the character

input based on the input key. See col. 5, lines 5-12 and col. 8, lines 1-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the portable information terminal of Miyagawa et al. to prevent a character input even when there is the character input based on the input key by the user by limiting the use of keys, as taught Nobuchi et al., since the locking device of Nobuchi et al. would prevent a user from inadvertently depressing keys in a certain mode.

Allowable Subject Matter

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the invention includes the specific combination of a portable information terminal having (1) a radio transmission/reception unit for transmitting/receiving a message in a wireless mode; and (2) an operating unit for controlling operation of a display content, wherein under the state that the key-arranged surface of the lower half portion and the upper half portion are overlapped with each other and the display screen of the upper half portion is exposed to the outside, wherein only the display operation of the received message onto the display screen is carried out by using only the operating unit. These features, in combination with the rest of the elements or steps, are not taught or suggested by the prior art references.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,549,789 to Kfouri discloses a portable electronic device with an adaptable user interface; and U.S. Patent No. 6,020,878 to Robinson discloses a selective call radio with hinged touchpad.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 703-605-4214. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (703) 308-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1782.

January 10, 2004
aqe

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